

Eric Rose et al.

U.S. Serial No.: 09/053,872

Filed: April 1, 1998

Declaration and Power of Attorney

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I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
None		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
08/648,561	May 16, 1996	Pending
PCT/US97/08282	May 15, 1997	Pending

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Albert Wai-Kit Chan (Reg. No. 36,479); Robert T. Maldonado (Reg. 38,232); Mary Anne P. Tanner (Reg. No. 40,197); Paul Teng (40,837); Gerard M. Wissing (Reg. No. 36,309); George M. MacDonald (Reg. No. 39,284); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. P-42,226); Victor Devito (Reg. No. 36,325); Pedro C. Fernandez (Reg. No. P-41,741); William D. DeVaul (Reg. No. P-42,483); Todd A. Holmbo (Reg. No. P-42,665); and Steven J. Lieb (Reg. No. P-41,943)

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

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Please address all communications, and direct all telephone calls, regarding this application to:

John P. White Reg. No. 28,678
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first joint inventor Eric Rose

Inventor's signature 

Citizenship United States of America Date of signature 4/30/98

Residence 96 Oxford Drive, Tenafly, New Jersey 07670

Post Office Address Same as residence

Full name of joint
inventor (if any) David Stern

Inventor's signature David Stern

Citizenship United States of America Date of signature 4/30/98

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Post Office Address Same as residence

Full name of joint
inventor (if any) Ann Marie Schmidt

Inventor's signature Ann Marie Schmidt

Citizenship United States of America Date of signature 4/30/98

Residence 242 Haven Road, Franklin Lakes, New Jersey 07417

Post Office Address Same as residence

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Full name of joint

inventor (if any) Talia Spanier

Inventor's signature

Talia

5/20/98

Citizenship United States of America *Date of signature* _____

Residence 600 West 111th Street, Apt. 4-C, New York, New York 10025

Post Office Address Same as residence

#

Applicant or Patentee: Eric Rose et al. Attorney's 50634/JPW/
Serial or Patent No.: Not Yet Known Docket No: _____
Filed or Issued: Herewith
Title of Invention or Patent: METHOD FOR INHIBITING THROMBOSIS IN A PATIENT WHOSE
BLOOD IS SUBJECTED TO EXTRACORPOREAL CIRCULATION



VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
AND §1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The Trustees of Columbia University in the City of New York

Address of Organization: 110 Low Memorial Library, West 116th & Broadway
New York, New York 10027

TYPE OF ORGANIZATION:

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3)
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
NAME OF STATE: _____
CITATION OF STATUTE: _____
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
NAME OF STATE: _____
CITATION OF STATUTE: _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e)* for purposes of paying reduced fees under 35 U.S.C. §41(a) and 41(b), with regard to the invention entitled METHOD FOR INHIBITING THROMBOSIS IN A PATIENT WHOSE BLOOD IS SUBJECTED TO EXTRA-
CORPOREAL CIRCULATION

by inventor(s) Eric Rose, David Stern, Ann Marie Schmidt and Talia Spanier
described in:

☒ the specification filed herewith
☐ application serial no. _____ filed _____
☐ patent no. _____ issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive each individual, concern, or organization known to have rights to the invention is listed below^a and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d)* or a nonprofit organization under 37 C.F.R. 1.9(e)*

^a NOTE: Separate verified statements are required from each person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

Name: NONE

Address: _____

37 C.F.R. §§1.9(d), 1.9(e)

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods f the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to app al that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

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Small Entity/Nonprofit

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Mr. Jack M. Granowitz
Title In Organization: Executive Director, Columbia Innovation Enterprise
Address: Columbia University, Engineering Terrace - Suite 363
West 120th Street and Amsterdam, New York, New York 10027
Signature: Jack M. Granowitz
Date Of Signature: April 26, 1995

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent with regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.